REMARKS

As a preliminary matter, the Examiner objects to amended claim 13, as indicated on page 1 of the Office Action. We will properly indicate "previously presented" as the claim identifier.

Claims 1, 4, 8, and 13-16 are all the claims pending in the present application, claim 10 having been canceled as indicated herein. The Examiner has withdrawn the previous claim rejections, however the Examiner has now applied some new references. Specifically, claim 10 is rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. Claims 1, 8, 10, and 13-16 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over de Boer et al. (U.S. Patent No. 6,616,350), hereinafter referred to as Boer, in view of Takeguchi (U.S. Patent No. 6,735,171). Finally, claim 4 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Boer and Takeguchi, and further in view of Falkenstein et al. (U.S. Patent No. 7,016,379).

§101 Rejection - Claim 10

Claim 10 is canceled as indicated herein without prejudice or disclaimer.

§103(a) Rejections (Boer / Takeguchi) - Claims 1, 8, 10, and 13-16

Claims 1, 8, 10, and 13-16 are rejected over Boer and Takeguchi based on the reasons set forth on pages 2-5 of the present Office Action. Applicants traverse these rejections at least based on the following reasons.

With respect to independent claim 1, Applicants submit that the applied references do not disclose or suggest at least, "wherein the method comprises the step of providing at least one additional pair of event signalling bytes in the transmitted frames, the first pair of event

signalling bytes being used for signalling events of a first type, whereas the at least one additional pair of event signalling bytes being used for signalling events of a second type," as recited in claim 1. The Examiner acknowledges that the primary reference Boer does not teach the above-quoted feature, however the Examiner believes that Takeguchi makes up for the deficiencies of Boer. Specifically, the Examiner alleges:

> Takeguchi discloses an SDH transmission system. Takeguchi discloses increasing the functionality of line switching control by utilizing unused bytes of the overhead (Co. 6-8, lines 1-27; claim 16 – additional pair of bytes are not yet reserved for other purposes). Furthermore, though the disclosure of Boer utilizes examples of span and ring protection switches using only one protection line, Boer does disclose that a plurality of protection lines may service a group of working transmission lines (col. 3, lines 35-39). Implementation of the method and network element using a plurality of protection lines would enable multiple span protections of different priority working lines to be performed concurrently (claim 1, 10, 13, - signals includes at least one additional pair of event signaling bytes being used for requesting span protection of at least two different types at the same time as request for ring protection.

In response, first, Applicants submit that Takeguchi does not disclose that unused byes of the overhead are utilized to increase the functionality of line switching control. Takeguchi only teaches that setting information can be stored in undefined portions of an overhead or predefined byte. By storing the setting information in these respective locations, the reliability of the transferring of the setting information can be enhanced. This is different from providing at least one additional pair of bytes in the transmitted frames, the at least one additional pair of bytes being used for indicating the requests of span protections of at least two different types for at least two different spans at the same time of the request of ring protection.

Furthermore, claim 1 recites that at least one additional pair of bytes is provided. This particular feature is not taught or suggested by either of the applied references, either alone or in combination. Therefore, at least based on the foregoing, Applicants submit that claim 1 is pantentably distinguishable over the applied references.

Further, Applicants submit that one of ordinary skill in the art would not have been led to combine Boer with Takeguchi. Boer relates to the field of networks with ring topology, while, differently, Takeguchi does not disclose a network with a ring topology. Therefore, one of ordinary skill in the art, in view of these two different technology areas, would not have been motivated to combine these two references.

Applicants submit that independent claim 13 is patentable at least based on reasons similar to those set forth above with respect to independent claim 1.

With respect to dependent claims 8 and 14-16, Applicants submit that these claims are patentable at least by virtue of their indirect or direct dependencies from independent claim 1.

Further, with respect to dependent claim 16, the Examiner does not even address the specific features set forth in this claim.

§103(a) Rejection (Boer / Takeguchi / Falkenstein) - Claim 4

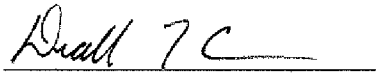
Applicants submit that dependent claim 4 is patentable at least virtue of its dependency from independent claim 1. Falkenstein does not make up for the deficiencies of the other applied references.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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